

ANNEXATION RESOLUTION NO. R- 04-92

A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana, setting forth the policy of the City of Fort Wayne, Indiana, in regard to the East of Bueter and Wayne Trace Roads Annexation.

WHEREAS, the annexation of territory to the City of Fort Wayne is a legislative function; and

WHEREAS, the Common Council of the City of Fort Wayne is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City, including newly annexed areas; and

WHEREAS, the Common Council of the City of Fort Wayne has before it an Ordinance for the annexation of the East of Bueter and Wayne Trace Roads Annexation, more specifically described as follows, to-wit:

Parts of Sections 16, 17, 20, 21, and 22 all in Township 30 North, Range 13 East (Adams Township), Allen County, Indiana more particularly described as follows:

Beginning on the present corporation limits of the City of Fort Wayne at the intersection of the North right-of-way line of Sherwood Terrace as recorded in the Plat of Fairfax Second Addition with the West right-of-way line of Bueter Road as recorded in said Plat; thence Northerly along the West right-of-way line of said Bueter Road and present corporation limits of the City of Fort Wayne to the North right-of-way line of Hoevel Road (also known as McKinnie Avenue); thence continuing Northerly along the West right-of-way line of Bueter Road extended North and Bueter Drive being the present corporation limits of the City of Fort Wayne to the North right-of-way line of Moeller Road; thence Easterly along said North right-of-way line of Moeller Road and present corporation limits of the City of Fort Wayne to the West line of the Northeast Quarter of said Section 17; thence Northerly along the West line of said Northeast Quarter and present corporation limits of the City of Fort Wayne to the Southerly right-of-way line of Conrail; thence Southeasterly along said Southerly Conrail right-of-way line to the Northeasterly corner of an existing 1.60 acre tract recorded as Document No. 81-017695 in the Office of the Recorder of Allen County, Indiana; thence Southeasterly to a point on the West line of the Southwest Quarter of said Section 16 said point being 200.00 feet North of the Southwest corner of said Southwest Quarter; thence Easterly, a distance of 1550.00 feet parallel with the South line of said Southwest Quarter; thence Southerly, a distance of 200.00 feet to the South line of said

1 Southwest Quarter; thence Southeasterly to the
2 intersection of the South right-of-way line of Conrail
3 with the West line of the Northwest Quarter of said
4 Section 22; thence Southeasterly along said Southerly
5 Conrail right-of-way line to the point of curvature of
6 a curve to the right; thence continuing Southeasterly
7 along said curve and Southerly right-of-way line to
8 the West line of an existing 5.32 acre tract recorded
9 as Document No. 85-31082 in the Office of the Recorder
10 of Allen County, Indiana; thence Southwesterly to a
11 point on the North right-of-way line of Paulding Road
12 said point being 1,317.3 feet East of the West line of
13 the Southwest Quarter of said Section 22; thence
14 Westerly along said North right-of-way line of
Paulding Road to its point of intersection with the
West right-of-way line of Adams Center Road; thence
Northwesterly to the intersection of the North right-
of-way line of Hoevel Road with the Northerly
extension of the East line of the West half of the
Northwest Quarter of said Section 21; thence Westerly
along said North right-of-way line of Hoevel Road to
its point of intersection with the East line of the
Southeast Quarter of said Section 17; thence
Southwesterly to a point on the North right-of-way
line of Sherwood Terrace as recorded in the Plat of
Fairfax Addition, said point being 200.00 feet East of
the West line of said Northeast Quarter; thence
Westerly along said North right-of-way line to the
Point Of Beginning.

15 BE IT, THEREFORE, RESOLVED BY THE COMMON COUNCIL OF
16 THE CITY OF FORT WAYNE, INDIANA:

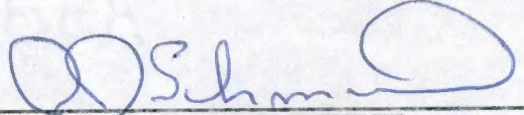
17 SECTION 1. That in the case of the East of Bueter
18 and Wayne Trace Roads Annexation, it is the policy of the City
19 of Fort Wayne to follow the provisions of Section 1.1 of Chapter
20 2 of the Municipal Code of the City of Fort Wayne, Indiana, of
21 1974, as amended, with regard to the provision of non-capital
22 and capital services to the annexation area.

23 SECTION 2. That it is the policy of the City of
24 Fort Wayne to follow the annexation fiscal plan for said
25 described territory, as prepared by the Division of Community
26 and Economic Development which is incorporated herein. Two
27 copies of said plan are on file in the Office of the Clerk of
28 the City of Fort Wayne and are available for public inspection
29 as required by law.

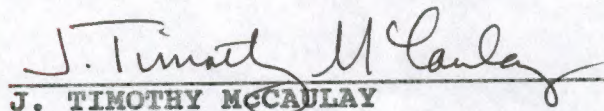
30 SECTION 3. That said plan sets forth cost
31 estimates of the services to be provided, the methods of
32 financing these services, the plan for the organization and
extension of these services, delineates the non-capital
improvement services to be provided within one (1) year of
annexation, the capital improvement services to be provided

1 within three (3) years of annexation, and the plan for hiring
2 employees of other governmental entities whose jobs will be
3 eliminated by this annexation.

4 **SECTION 4.** That said plan is hereby approved and
5 adopted by the Common Council of the City of Fort Wayne,
6 Indiana, and shall be in full force and effect upon the
7 effective date of the East of Bueter and Wayne Trace Roads
8 Annexation.

9
10 
11 COUNCIL MEMBER

12
13 **APPROVED AS TO FORM AND LEGALITY:**

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15 J. TIMOTHY MCCAULEY
16 City Attorney
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BEFORE THE
COMMON COUNCIL OF THE CITY OF FORT WAYNE

**IN RE: THE VOLUNTARY ANNEXATION OF CERTAIN PROPERTY
 EAST OF BEUTER ROAD AND WAYNE TRACE ROAD
 INTO THE CITY OF FORT WAYNE**

The undersigned, pursuant to I.C. § 36-4-3-5, hereby petitions the Common Council of the City of Fort Wayne for the voluntary annexation of that real estate, as more particularly described on Exhibit A attached hereto. In support of this petition, the undersigned represents:

1. That all of the land described on Exhibit A which is the property sought to be annexed is contiguous to the City of Fort Wayne.
2. That the undersigned voluntary annexing property owners are the owners of more than fifty-one percent (51%) of the land in the territory sought to be annexed as described on Exhibit A.
3. That all of the land of the voluntary annexing property owners represents seventy-five percent (75%) of the total assessed valuation of all of the land sought to be voluntarily annexed for property tax purposes.
4. That the undersigned requests the Common Council for the City of Fort Wayne to adopt an ordinance annexing the property described on Exhibit A, with such voluntary annexation to be effective December 31, 1999.

Dated: 2-6-92

**NAVISTAR INTERNATIONAL
TRANSPORTATION CORP.**

BY: 

Robert A. Boardman

Its Authorized Agent

Senior Vice President

General Counsel

MUTUAL DEVELOPMENT COMPANY, INC.

BY: 

James T. Banks

Its Authorized Agent

**CHEMICAL WASTE MANAGEMENT OF
INDIANA, INC.**

BY: 

Al R. Temple

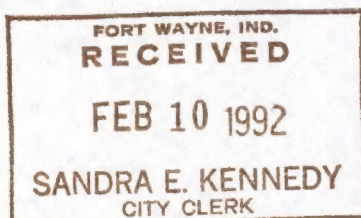
Its Authorized Agent

TC, INC.

BY: 

Bruce D. Tobecksen

Its Authorized Agent

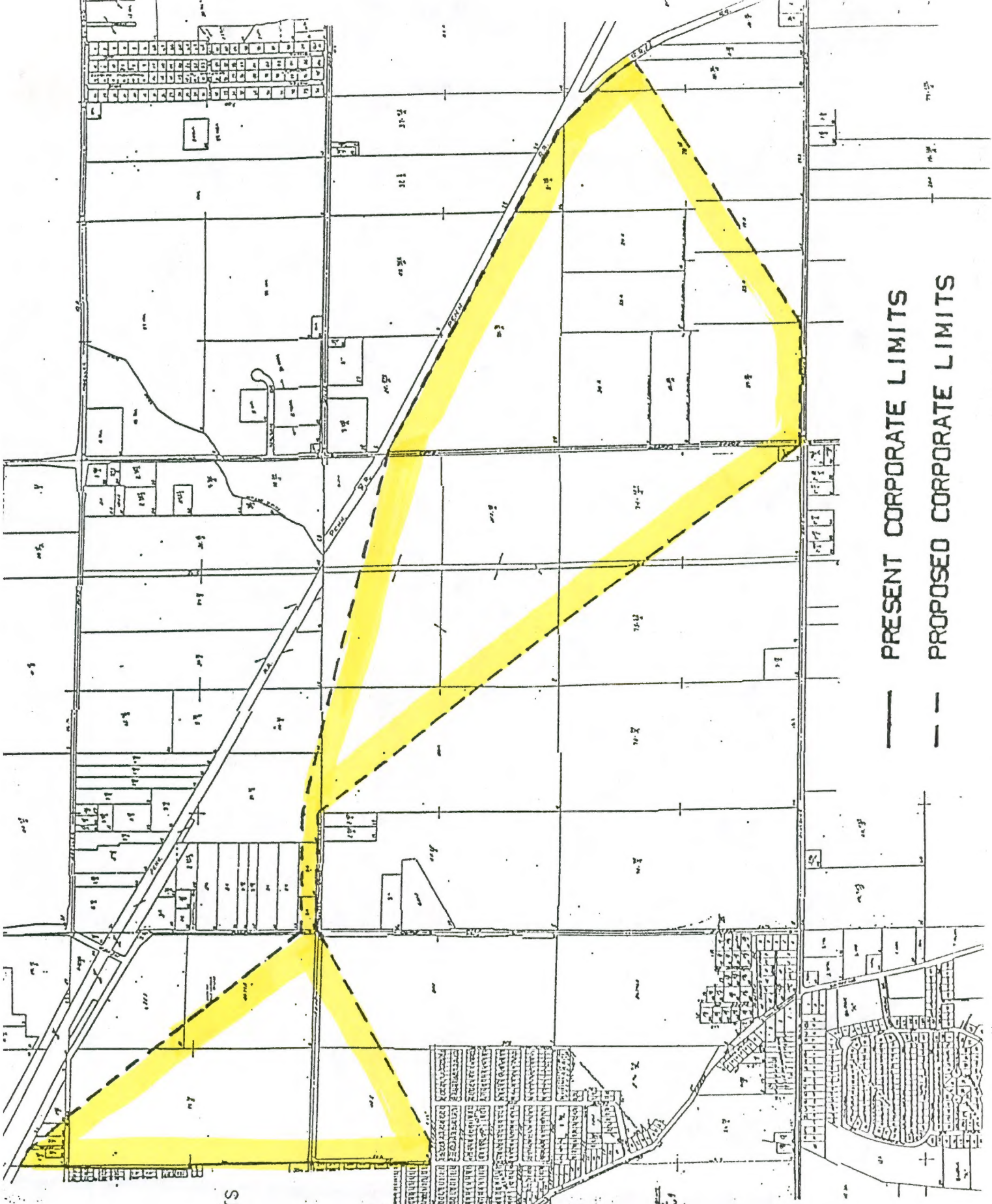


LEGAL DESCRIPTION

Parts of Sections 16, 17, 20, 21, and 22 all in Township 30 North, Range 13 East (Adams Township), Allen County, Indiana more particularly described as follows:

Beginning on the present corporation limits of the City of Fort Wayne at the intersection of the North right-of-way line of Sherwood Terrace as recorded in the Plat of Fairfax Second Addition with the West right-of-way line of Bueter Road as recorded in said Plat; thence Northerly along the West right-of-way line of said Bueter Road and present corporation limits of the City of Fort Wayne to the North right-of-way line of Hoevel Road (also known as McKinnie Avenue); thence continuing Northerly along the West right-of-way line of Bueter Road extended North and Bueter Drive being the present corporation limits of the City of Fort Wayne to the North right-of-way line of Moeller Road; thence Easterly along said North right-of-way line of Moeller Road and present corporation limits of the City of Fort Wayne to the West line of the Northeast Quarter of said Section 17; thence Northerly along the West line of said Northeast Quarter and present corporation limits of the City of Fort Wayne to the Southerly right-of-way line of Conrail; thence Southeasterly along said Southerly Conrail right-of-way line to the Northeast corner of an existing 1.60 acre tract recorded as Document No. 81-017695 in the Office of the Recorder of Allen County, Indiana; thence Southeasterly to a point on the West line of the Southwest Quarter of said Section 16 said point being 200.00 feet North of the Southwest corner of said Southwest Quarter; thence Easterly, a distance of 1550.00 feet parallel with the South line of said Southwest Quarter; thence Southerly, a distance of 200.00 feet to the South line of said Southwest Quarter; thence Southeasterly to the intersection of the South right-of-way line of Conrail with the West line of the Northwest Quarter of said Section 22; thence Southeasterly along said Southerly Conrail right-of-way line to the point of curvature of a curve to the right; thence continuing Southeasterly along said curve and Southerly right-of-way line to the West line of an existing 5.32 acre tract recorded as Document No. 85-31082 in the Office of the Recorder of Allen County, Indiana; thence Southwesterly to a point on the North right-of-way line of Paulding Road said point being 1,317.3 feet East of the West line of the Southwest Quarter of said Section 22; thence Westerly along said North right-of-way line of Paulding Road to its point of intersection with the West right-of-way line of Adams Center Road; thence Northwesterly to the intersection of the North right-of-way line of Hoevel Road with the Northerly extension of the East line of the West half of the Northwest Quarter of said Section 21; thence Westerly along said North right-of-way line of Hoevel Road to its point of intersection with the East line of the Southeast Quarter of said Section 17; thence Southwesterly to a point on the North right-of-way line of Sherwood Terrace as recorded in the Plat of Fairfax Addition, said point being 200.00 feet East of the West line of said Northeast Quarter; thence Westerly along said North right-of-way line to the Point Of Beginning.

EXHIBIT A



CITY LIMITS

EXHIBIT A

— PRESENT CORPORATE LIMITS
-- PROPOSED CORPORATE LIMITS

AGREEMENT IN LIEU OF IMMEDIATE ANNEXATION

WHEREAS, Chemical Waste Management of Indiana, Inc. (hereinafter "Chemical Waste"), T.C., Inc., Mutual Development Company, Inc., and Navistar International Transportation Corporation have filed a voluntary annexation petition with the Clerk of the City of Fort Wayne, which said voluntary annexation petition is pending before the Common Council of the City of Fort Wayne (hereinafter "City Council") for passage;

WHEREAS, said voluntary annexation petition proposes that the annexation be deferred until December 31, 1999;

WHEREAS, I.C. § 36-4-3-7 (b) provides that an annexation ordinance that would otherwise take effect during the year preceding a year in which a federal decennial census is to be conducted takes effect January 2 of the year in which the federal decennial census is conducted;

WHEREAS, pursuant to I.C. § 36-4-3-7 (b), the voluntary annexation proposed by Annexation Bill No. X-92-02-10 would not take effect until January 2, 2000;

WHEREAS, in the event of an involuntary annexation attempt by the City, the effective date of the annexation would most likely be earlier than the date proposed in the voluntary petition;

WHEREAS, I.C. § 36-4-3-21 authorizes the executive and proper administrative agencies of a municipality, with the consent of the municipal legislative body, to enter into contracts with the owners of designated property in the vicinity of the municipality for municipal or public purposes specified in any such contract;

WHEREAS, the payments under a contract entered into pursuant to I.C. § 36-4-3-21 may be "[w]holly unrelated to municipal services or benefits to or potential tax impositions on the designated property";

WHEREAS, the "designated property" pursuant to this agreement is the area known as the "Adams Center Landfill", and any future expansion of said facility;

WHEREAS, Chemical Waste desires the fire protection services available through the City of Fort Wayne's Fire Department;

WHEREAS, it is the policy of the City of Fort Wayne to require any applicant for a voluntary annexation pursuant to I.C. § 36-4-3-5 to indemnify the City for all expenses, including but not limited to attorney fees, incurred in defending the validity of any such annexation ordinance adopted in response to a voluntary petition;

WHEREAS, in the case of a voluntary deferred annexation, it is in the best interest of the City of Fort Wayne that its Division of Community and Economic Development shall review any development plans for the annexation territory;

WHEREAS, Chemical Waste and the City of Fort Wayne desire to enter into this agreement to set forth in writing their understanding and agreements should the Common Council of the City of Fort Wayne pass said voluntary annexation petition and the resolution in support thereof, and should the same be enacted into law by signing of the Mayor of the City.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City, Chemical Waste, T.C., Inc. and Mutual Development Company, Inc. hereby agree as follows:

1. In the event the City Council should adopt and pass Annexation Bill No. X-92-02-10, presently pending before the City Council, and should the ordinance adopting said bill be signed and enacted into law by the Mayor of the City of Fort Wayne, then and in that event Chemical Waste shall indemnify and save and hold the City harmless from all attorney fees arising out of or in any manner related to any legal actions brought remonstrating or challenging the validity of said ordinance. In the event of any legal proceeding challenging the validity of said ordinance, the City's Corporation Counsel shall assume the defense thereof, and Chemical Waste shall pay all expenses and fees associated therewith. Should Chemical Waste choose to intervene in such proceeding, the City of Fort Wayne will not oppose any such application to intervene.

2. Effective January 1, 1993, Chemical Waste will contract with the City of Fort Wayne for fire protection services. Upon receipt by the City's Fire Department of a notification or signal that there is a fire on the "designated territory", the City shall cause the proper fire fighting station or stations to send such fire fighting equipment, materials and personnel to the premises as it reasonably sends to locations within the corporate limits of the City.

(a) Materials. Chemical Waste shall reimburse the City for materials used to extinguish any fire. Said reimbursement shall be made within 10 (ten) days after being billed by the City for said materials so used.

(b) Payment for Fire Fighting. For the fire fighting services provided by this agreement, Chemical Waste agrees to pay the City an annual sum of \$12,500.00

(twelve thousand five hundred dollars) payable in two installments of \$6,250.00 (six thousand two hundred fifty dollars) each, due on the 15th day of January and the 15th day of July hereafter, during the term of this agreement, with the first installment due January 15, 1993, with said sum to be increased ten percent (10%) per annum each year thereafter until December 31, 1999, at which time all payments due herein shall cease.

(c) Inspection. The City shall cause its Fire Department personnel and Fire Prevention Bureau personnel to inspect Chemical Waste's building, equipment, and facilities periodically, during normal business hours upon reasonable notice, to familiarize such personnel with said buildings, equipment, and facilities and Chemical Waste's operation on the premises, so as to:

- 1) Determine the types of fires which may be reasonably be anticipated on the premises;
- 2) Be able to render service commensurate with existing service conditions;
- 3) Make recommendations relative to fire prevention.

(d) Non-assumption of Liability. The City and the City Fire Department shall not assume any liability for the safety, well being, or destruction of any structures, buildings, or the contents therein, nor for individuals involved therein, by the execution of this agreement.

3. Furthermore, upon annexation, if the property tax revenues from the annexation territory deposited in the City's Fire Fund are insufficient to cover that proportionate share of the operating costs of the fire station necessitated by the need for serving the annexation territory, Chemical Waste shall pay to the City on or before July 1 of each year subsequent to July 1, 2000, any difference between the said revenue received from the annexed territory and the expenditures incurred in the prior year for providing fire service to the annexed territory.

4. Chemical Waste has announced plans to develop an industrial park on land located inside and outside of the property sought to be voluntarily annexed. Unless the Allen County Board of Commissioners cedes jurisdiction of the voluntary annexation territory to the City prior to the effective date of the proposed voluntary annexation, jurisdiction of the property sought to be annexed for zoning and development plan purposes will be within the Allen County Plan Commission. Chemical Waste agrees that any development plan for developing any industrial park on property owned by it or T.C., Inc. or Mutual Development, Inc. within the voluntary annexation territory shall be submitted for review and approval to the Division of Community and Economic Development of the City of Fort Wayne, or at the option of the City for review and approval to the Fort Wayne Plan Commission, but any such approval

shall not impose conditions or requirements that are inconsistent with or not allowed by the Allen County Plan Commission or by the terms of any of its ordinances, rules, regulations or procedures so long as the voluntary annexation territory is legally under the jurisdiction of the Allen County Plan Commission.

5. In the event the City Council should adopt and pass Annexation Bill No. X-92-02-10, presently pending before the City Council, and should said ordinance approving said bill be signed and enacted into law by the Mayor of the City, Chemical Waste shall pay into the City's Cumulative Capital Improvement Fund beginning July 15, 1992 for the quarter ending June 30, 1992 and on a quarterly basis thereafter (15 days after end of quarter) an amount equal to the greater of \$6.00 (six dollars) per ton (the "per ton rate") of taxable hazardous waste as said term is defined in I.C. 6-6-6.6-1 for each ton disposed of in the preceding quarter in the Adams Center Landfill, or \$100,000 (one hundred thousand dollars) ("the base amount"). However, the base amount shall not be payable following any quarter in which the Adams Center Landfill disposed of less than 12,500 (twelve thousand five hundred) tons of hazardous waste, in which case only the per ton rate shall be paid. The "per ton rate" shall be increased \$.25 (twenty five cents) every two years on the anniversary date of this agreement, during the term of this agreement. Should the City of Fort Wayne receive any portion of the Hazardous Waste Disposal Tax Fund either directly from the State of Indiana, or the County of Allen, to the extent that such payments to the City are allowed to be used as herein contemplated, and need not be used for compliance monitoring, Chemical Waste shall receive a fifty percent (50%) credit for such payments with respect to its obligation under paragraphs 5 and 6 herein.

6. In addition, Chemical Waste shall contribute \$125,000.00 (one hundred twenty-five thousand dollars) annually beginning January 1, 1993, to the Fort Wayne Central City Trust Fund, plus the sum of \$1.00 (one dollar) for each ton of hazardous waste deposited in the Adams Center Landfill, so long as Chemical Waste operates a waste disposal facility within the annexation territory described in Annexation Bill X-92-02-10.

- (a) The Fort Wayne Central City Housing Trust Fund ("Trust Fund") will be established to provide funding for home rehabilitation in southeast Fort Wayne pursuant to this agreement and subsequent policy established by the Trust Fund Advisory Board as provided herein.
- (b) Trust Fund monies may be expended only within Central Fort Wayne. For purposes of this Trust Fund, "Central Fort Wayne" is the area bounded by the Maumee River on the north, Lafayette Boulevard on the west, and the corporate limits of Fort Wayne

on the south and east as those corporate limits may change from time to time through annexation.

- (c) The Trust Fund will be governed by an Advisory Board comprised of the following members:
- 1) Three (3) residents of Central Fort Wayne, two (2) appointed by the Mayor of Fort Wayne, and one (1) appointed by the Council member representing the district that, in the preceeding year had the most residential dwellings demolished.
 - 2) Those district members of the City Council representing all or part of Southeast Fort Wayne,
 - 3) Two (2) representatives of businesses located in Southeast Fort Wayne, one (1) appointed by the City Council, and one (1) appointed by the Mayor,
 - 4) One (1) representative of the City of Fort Wayne Division of Community and Economic Development (or its successor department) appointed by the Mayor of Fort Wayne,
 - 5) One (1) representative of Chemical Waste.
- (d) The Advisory Board may, at its discretion, establish policies and procedures to provide funding for home rehabilitation in Southeast Fort Wayne. Funding may be used for acquisition, repair, improvement, rehabilitation, reconstruction or new construction of residential property and dwellings for the homeless. Funds may be disbursed through market-rate loans, below-market-rate loans, deferred loans, grants or similar instruments (or combinations thereof), so long as the amount of the subsidy is reasonable for the project. First priority shall be given to utilizing Trust Fund monies to leverage and/or match other housing funds including Community Development Block Grant, HOME, and other similar federal programs.
- (e) The Advisory Board may, at its discretion, solicit other sources of funding for the Trust Fund provided that all funds, regardless of source, be utilized as provided herein. Under no circumstances will the availability of other funds so solicited reduce the obligation of Chemical Waste Management, Inc., to provide the amounts set forth hereinabove annually in accordance with this agreement.
- (f) Notwithstanding any other provisions herein to the contrary, this fund shall be organized and operated exclusively for charitable, scientific, testing for public safety, educational or governmental purposes, as defined in 501(c) and 501(c)(3) of the Internal Revenue Code, and no part of the net earnings shall inure to the benefit of any private individual and no part of the activities of the fund shall be used for carrying on propaganda or otherwise attempting to influence legislation or to participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.

7. In the event the City Council should fail to pass Annexation Bill No. X-92-02-10, or in the event the Mayor of the City should veto the ordinance approving said bill and the veto fails to be overridden by the City Council, then and in that event this agreement shall be null and void. It shall also be null and void in the event the ordinance approving Annexation Bill No. X-92-02-10 is finally vacated, canceled, rescinded or declared null and void by any final legal proceeding (but subject to the right of appeal thereof), except for the obligations imposed under paragraphs 1 and 2 herein. In the event of any legal challenge to the annexation ordinance, all payments due hereunder, other than those specified in paragraphs 1 and 2, shall be placed in an interest bearing escrow account with an escrow agent mutually acceptable to City and Chemical Waste in the joint name of the City and Chemical Waste during the pendency of any such legal challenge, and to be repaid to Chemical Waste in the event the Annexation Ordinance is fully and finally vacated, canceled, rescinded, or declared null and void.

8. This agreement is binding upon the parties hereto and their heirs, successors and assigns, and shall expire March 1, 2007, except for the obligations imposed under paragraphs 5^{and 6} herein ^(20X 2-26-9 Jm) which shall continue so long as a hazardous waste landfill is operated within the annexation territory. 2.25.9

Chemical Waste Management
of Indiana, Inc.

By: 
Al R. Temple,
Its Vice President

City of Fort Wayne

By: 
Paul Helmke, Mayor

T.C., Inc.

By: 
Al R. Temple,
Its Vice President

Mutual Development Company, Inc.

By: 
Al R. Temple,
Its Vice President

Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time by _____,
title and referred to the Committee on _____ (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Common Council Conference Room 128, City-County
Building, Fort Wayne, Indiana, on _____, the _____, day
of _____, 19 _____, at _____ o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Schmidt,
seconded by Long, and duly adopted, placed on its passage.
PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>	<u>2</u>	<u>1</u>	
BRADBURY		<u>✓</u>		
EDMONDS		<u>✓</u>		
GiaQUINTA			<u>✓</u>	
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 2-23-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 09-04-92

on the 25th day of February, 19 92

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Thomas P. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 25th day of February, 19 92
at the hour of 10:30 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 26th day of February,
19 92, at the hour of 7:45 o'clock A M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

BILL NO. R-92-02-26

REPORT OF THE COMMITTEE ON PUBLIC RELATIONS

DONALD J. SCHMIDT, CHAIRMAN
ARCHIE L. LUNSEY, VICE CHAIRMAN
ALL COUNCILMEMBERS

WE, YOUR COMMITTEE ON PUBLIC RELATIONS TO WHOM
WAS REFERRED AN (~~ORDINANCE~~)^{XXXXXXXXXX} (RESOLUTION) of the Common Council
of the City of Fort Wayne, Indiana, setting forth the policy
of the City of Fort Wayne, Indiana, in regard to the East of
Bueter and Wayne Trace Roads Annexation

HAVE HAD SAID (~~ORDINANCE~~) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(~~ORDINANCE~~) (RESOLUTION) _____

DO PASS

DO NOT PASS

ABSTAIN

NO REC

<u>Henry /ne</u>	<u>Bradbury /ne</u>	<u>Dea /ne</u>	<u>DSchmidt</u>
<u>Barrie /ne</u>	<u>Edwards /ne</u>		
<u>Long /ne</u>			
<u>Lunsy /ne</u>			
<u>Tulane /ne</u>			

DATED:

Sandra E. Kennedy
City Clerk

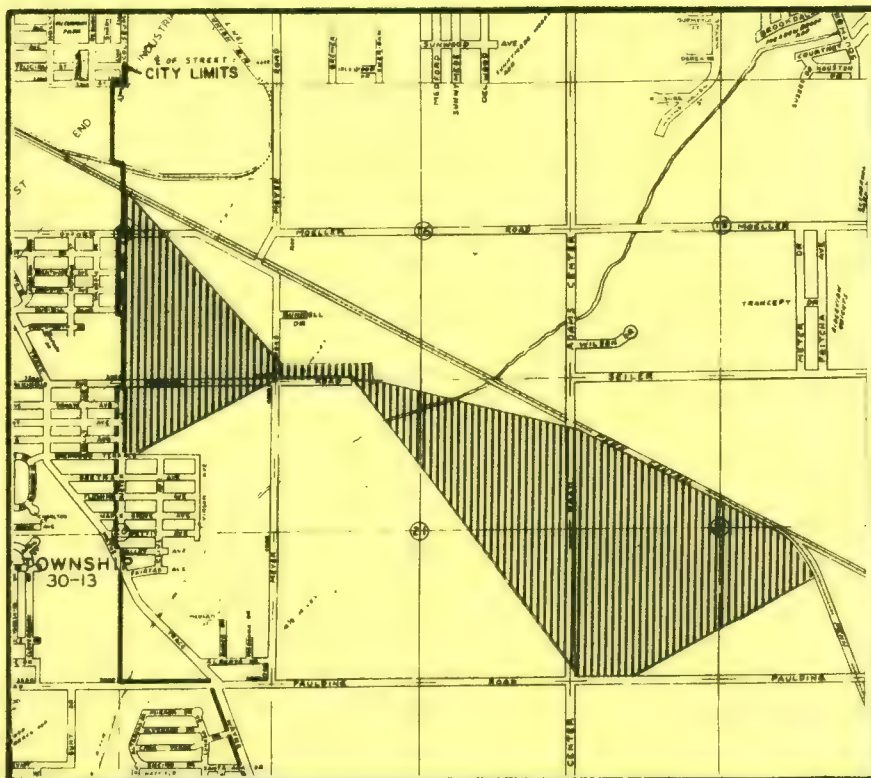
FISCAL PLAN

CITY OF FORT WAYNE
PAUL HELMKE, MAYOR

February 1992

Bueter Road
East
Annexation

COMMUNITY & ECONOMIC



ADMINISTRATION AND POLICY DIRECTION

Paul Helmke
Mayor
City of Fort Wayne

Greg Purcell, Director
Community and Economic Development

Michael Sapp
Director of Planning

Fort Wayne City Plan Commission

Melvin Smith, President
Yvonne Stam, Vice President
Robert Hutner, Secretary
Cletus Edmonds
Mark Gensic
Charles Layton
John Shoaff
Stephen Smith
Robert Wright

RESEARCH AND PREPARATION

Gary Stair, Senior Planner
Pamela Holocher, Planner II

INTRODUCTION

On February 10, 1992 the City Council received a petition from various property owners for the annexation of approximately 634 acres of land east of Bueter and Wayne Trace Roads.

The Bueter Road East Voluntary Annexation satisfies the criteria of the Indiana State Statutes. This plan describes the area to be annexed and summarizes the financial impact this annexation will have upon the City.

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SECTION I

BASIC DATA

A. LOCATION

The irregularly shaped area being petitioned for voluntary annexation is bounded on the north and east by the Penn Central Railroad, on the south by Paulding Road and on the west by the existing Fort Wayne city limits in Adams Township (See Figure 1).

B. SIZE

The Bueter Road East Annexation contains approximately 634 acres.

C. POPULATION

It is anticipated that there will be five residential dwellings in the area proposed to be annexed by the effective date of annexation. Using Person Per Household statistics from the 1990 Census of Population and Housing, it is projected that the annexation area will have a population of eleven persons.

D. BUILDINGS

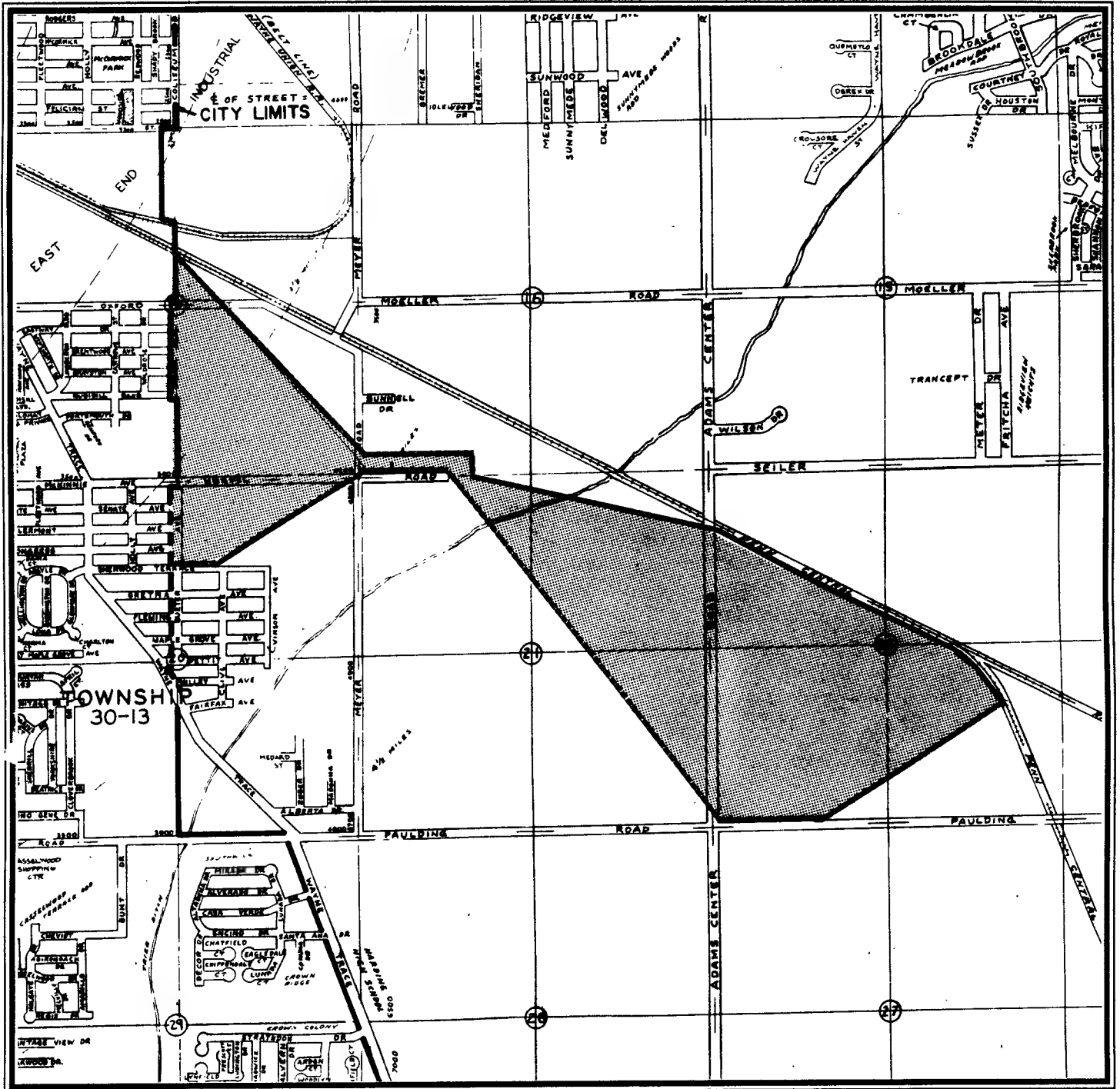
Residential Dwellings	5 structures
Commercial Structures	3 structures
Industrial Facilities	1 structure

E. PATTERNS OF LAND USE

	<u>Acres</u>	<u>Percent</u>
Agricultural	369.3	58.2%
Industrial	254.1	40.1%
Residential	4.5	.7%
Commercial	3.8	.6%
Right-of-way	2.3	.4%
	<hr/>	<hr/>
TOTAL	634.0	100.0%

FIGURE 1

BUETER ROAD EAST ANNEXATION



Location

F. ZONING

The Bueter Road East Annexation area currently contains five zoning classifications. Upon annexation, this area will be under jurisdiction of the City Plan Commission and the zoning classifications will be as follows:

<u>County Zoning Classification</u>		<u>City Zoning Classification</u>	
RS-1	Suburban Residential	R-1	Single Family Residential
I-2	General Industrial	M2	General Industrial Dist
I-3	Heavy Industrial	M3	Heavy Industrial Dist
I-3P	Heavy Industrial Planned	M2	General Industrial Dist
I-4	Planned Industrial	M2	General Industrial Dist

G. ASSESSMENT

Current: \$ 1,324,555 (Based on the Adams Township assessment records as of February, 1992)

Projected After Annexation: \$ 2,074,555 (Based on the Adams Township assessment records as of February, 1992 plus planned improvements to be made within the proposed annexation area)

H. NET TAX RATE (1991 PAYABLE 1992)

Existing (Adams Township PTC):	\$ 5.975068
After Annexation (Fort Wayne/Adams):	\$ 8.117630
Increase:	\$ 2.142562 (35.9 percent increase)
Existing (Adams Township):	\$ 5.869622
After Annexation (Fort Wayne/Adams):	\$ 8.117630
Increase	\$ 2.248008 (38.3 percent increase)

I. COUNCIL DISTRICT

The Bueter Road East Annexation area will initially be assigned to City Council District 6, subject to any later statutorily-required reapportionment.

SECTION TWO

THE COMPREHENSIVE ANNEXATION PROGRAM

The annexation of a portion of the Bueter Road East area is part of a larger, comprehensive annexation program that was promulgated in a report prepared by the Department of Community Development and Planning in 1975 and which was subsequently updated in 1976. The Annexation Policy and Program Study was the culmination of a year and a half of extensive study and is used as a policy guide for the City's annexation program. The report recommends that "all urban land contiguous to the City Limits should become part of the City" as should "all non-urban land required to complement the annexation of urban land and provide the ability to control and manage urban growth". A portion of the Bueter Road East annexation area met this criteria in the City's plan and was recommended for annexation.

SECTION THREE

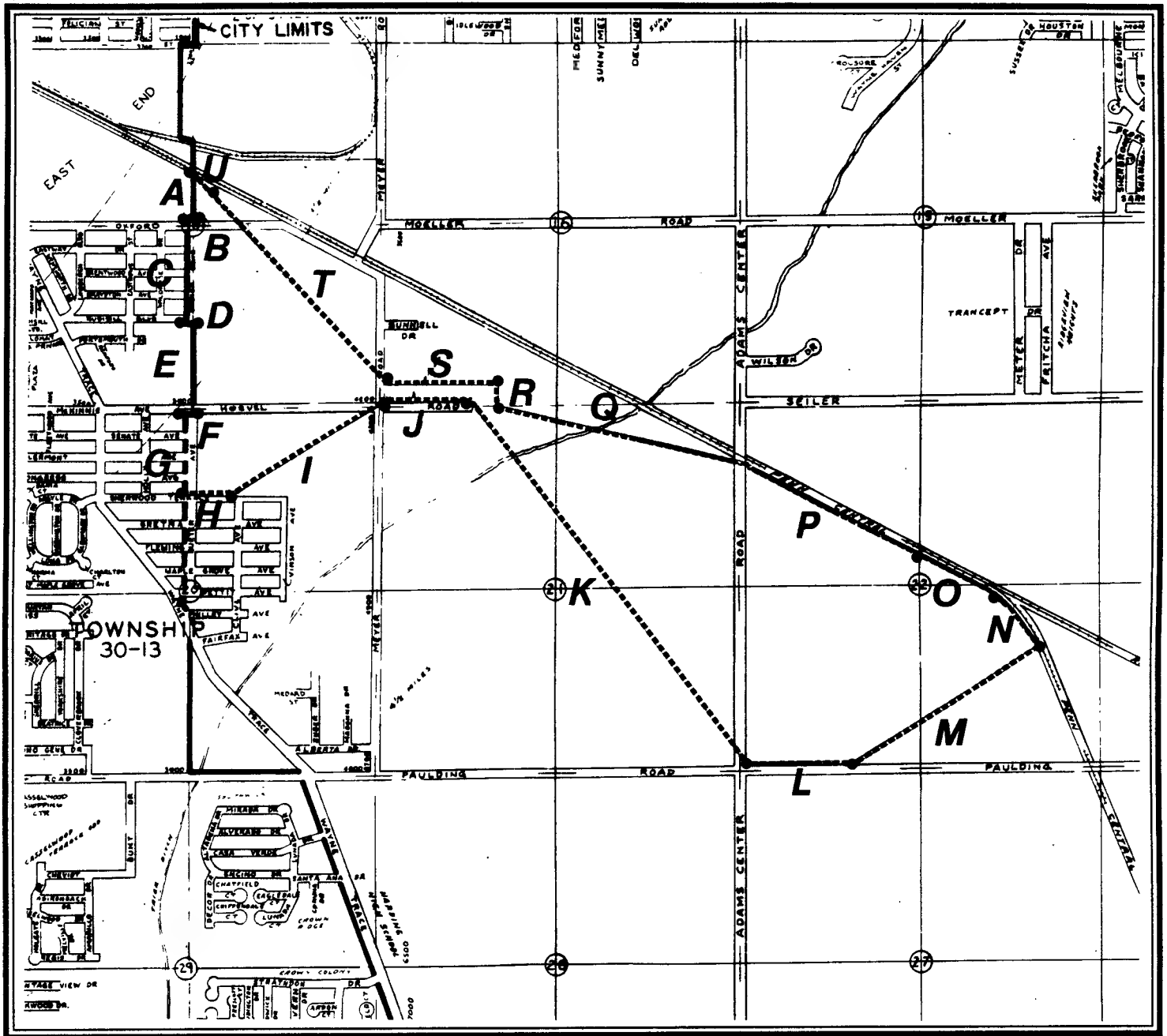
STATE LAW REQUIREMENTS

State law stipulates that if an area is one-eighth contiguous to the City, it can be annexed voluntarily if 51 percent of the property owners in the territory sought to be annexed, or owners of 75 percent of the total assessed value of the land petition for an ordinance annexing the area.

The area meets the contiguity requirements in that it is over one-eighth (12.5%) contiguous to the City of Fort Wayne, being 13.0 percent contiguous to city boundaries (See Figure 2). The area also meets the second requirement, as over 51 percent of the property owners and owners of more than 75 percent of the total assessed value in the area have petitioned for annexation.

Therefore, the Bueter Road East Annexation complies with the relevant state law requirements.

BUETER ROAD EAST ANNEXATION



Contiguity

CONTIGUOUS

A	486.10'
B	30.00'
C	1355.50'
D	30.00'
E	1293.60'
F	25.00'
G	1331.50'

4,551.70' (13%)

NON-CONTIGUOUS

H	225.00'	O	855.80'
I	2759.40'	P	2980.20'
J	1305.70'	Q	3781.60'
K	6560.50'	R	200.00'
L	1354.10'	S	1550.00'
M	3507.50'	T	3794.70'
N	2277.80'	U	204.40'

34,908.40' (87%)

SECTION FOUR

MUNICIPAL SERVICES

This section of the Fiscal Plan forecasts the costs and methods of financing services for the Bueter Road East Annexation area. The Plan also describes how and when the City plans to extend non-capital and capital improvements. As will be seen, the explanations of the above provisions satisfy the requirements of Indiana State Law.

There is no area within the corporate boundaries of the City that has similar topography, patterns of land-use and population density to the proposed annexation area. However, the annexation area will receive planned services of a non-capital nature in a manner equivalent in standard and scope to those non-capital services provided to other areas within the corporate boundaries of the City. In addition, the annexation area will receive services of a capital improvement nature in the same manner as those services provided to other areas within the corporate boundaries of the City.

The City of Fort Wayne has adopted uniform service standards within its corporate limits to guarantee that the annexation area will receive non-capital and capital services in a manner equivalent in standard and scope to other areas within the corporate boundaries of the City.

A. POLICE

The services provided by the Fort Wayne Police Department include the prevention of crime, the detection and apprehension of criminal offenders, assistance for those who cannot care for themselves or who are in danger of physical harm, resolution of day-to-day conflicts among family, friends, and neighbors, and the creation and maintenance of a feeling of security in the community. The Police Department is involved in legal work, such as participation in court proceedings and protection of constitutional rights. It is also responsible for the control of traffic and the promotion and preservation of civil order.

District 9 will be expanded to cover the Bueter Road East Annexation area. The Police Department keeps a record of the percentage of personnel and equipment necessary for the City's annexation program, and has determined that additional personnel are not required for this particular annexation. Due to a limited number of residential properties in the proposed annexation area and its close proximity to the city limits, the cost to provide police protection to the Bueter Road East Annexation area will be minimal and will be handled by the present Police Department

budget. Funding for police services is primarily derived from local property taxes through the General Fund.

Due to the location of a chemical waste facility in the proposed annexation area, there may be a need for special equipment for the protection of the police department. In the event of an emergency situation the department would set up a necessary perimeter for protection of surrounding areas and divert traffic. The cost for the necessary safety equipment is \$1615.

CAPITAL COST: \$ 1,615

ESTIMATED ANNUAL COST: \$ 0

B. FIRE DEPARTMENT

The Fort Wayne Fire Department will be responsible for providing all fire protection services to the Bueter Road East Annexation area immediately upon annexation. These services include, but are not limited to, full fire suppression activities, fire prevention activities, emergency medical support response on life hazards, general hydrant maintenance, emergency hazardous materials response, public education and public relations services, and fire investigation services. Primary response for the area along Bueter Road will come from Station #9 at 2530 East Pontiac Street. Primary response for the area along Adams Center Road would come from Station #12 at 5300 South Anthony Boulevard.

There is (1) class A pumper at both Station #9 and Station #12.

Costs for providing service to the area were derived by multiplying a cost per call figure of \$1,050 by the number of estimated runs to the area in one year. The Fort Wayne Fire Department has estimated that there will be approximately 15 calls annually. Based on 15 calls, the total cost would be calculated at \$15,750 per year.

CAPITAL COST: \$ 0

ESTIMATED ANNUAL COST: \$15,750

C. EMERGENCY MEDICAL SERVICE

Presently, the Three Rivers Ambulance Authority is the only provider of ambulance service to City residents. Bueter Road East Annexation area residents will receive full advanced life support ambulance service immediately upon annexation.

A number of ambulances are stationed throughout the City 24 hours a day. Upon receiving a request for service from the annexation area, the ambulance closest to the area will be

dispatched. In addition, for some emergencies, such as heart attacks, the Fort Wayne Fire Department will provide extra assistance. Primary assistance will come from the previously described north side fire station. The Fire Department trains a number of its personnel so that each fire station has an emergency medical technician on duty at all times.

The method of financing Emergency Medical Services is based on user fees. The charges for ambulance service are shown below:

1. \$120 plus \$5 per loaded mile for non-emergency transfer scheduled 24 hours in advance.
2. \$170 plus \$5 per loaded mile for non-scheduled, non-emergency transfers.
3. \$380 plus \$7.50 per loaded mile for emergencies for all City and non-City residents.

This method of financing permits service to be extended to the annexation area with its existing budget, while no additional manpower or equipment will be needed to service the annexation area.

CAPITAL COST: \$0

ESTIMATED ANNUAL COST: \$0

D. Solid Waste Disposal

Upon annexation, Fort Wayne will provide garbage collection to the Bueter Road East Annexation Area immediately after the effective date of the annexation. The City currently contracts with Waste Management of Fort Wayne to supply this service.

According to the contract agreement, the City is charged \$42.85 per ton for solid waste pick-up. This cost amounts to approximately \$55.20 per household, per year, for this service. The Bueter Road East annexation area will likely contain five residential structures in it. Therefore, the annexation of this area will cost \$276 per year for solid waste pick-up. Solid waste collection will be financed by the City's Garbage Disposal Fund which comes from the General Fund.

CAPITAL COST: \$ 0

ESTIMATED ANNUAL OPERATING COST: \$ 276

E. Traffic Control

The City's Traffic Engineering Department will assume responsibility for traffic control in the annexation area immediately after the effective date of annexation. Some of the services that can be provided by the department are surveys and investigations of traffic conditions and problems. In addition, the department provides installation and maintenance of traffic control devices such as traffic lights and control signs.

It has been determined by the Traffic Engineering Department that no additional signs will be needed in the Bueter Road East Annexation area. Also, the department will not require additional personnel to perform its services in the Bueter Road East Annexation area.

There will be an annual cost of \$348 for the painting of 5,200 feet of centerline and edge line along certain streets in the area. Funding sources for all of the above services will be from real estate taxes and the Motor Vehicle Highway (MVH) fund.

CAPITAL COST: \$ 0

ESTIMATED ANNUAL COST: \$ 348

F. STREETS AND ROADS

The incorporation of the annexation area will add 1.25 miles of streets to the City street system. Of this total, .5 miles are classified as residential streets in poor condition and .75 miles are classified as minor arterial streets in good condition. The Fort Wayne Street Department will be responsible for the general maintenance of all the streets in the annexation area immediately upon annexation. General maintenance includes snow and ice removal, and surface maintenance. The Street Engineering Department will provide engineering services and construction supervision for all streets, alleys and sidewalks that will be constructed within the annexation area. The provision of these services to the annexation area will not require any additional personnel or equipment, and will be similar to those services already provided to the rest of the City.

The Street Department has determined that it will need to chip and seal Bueter Road. Because the street is in poor condition and has severe drainage problems it will cost the City approximately \$23,000 to bring this street up to an acceptable grade. This will be a one time expenditure which will be incurred the second year after the effective date of annexation.

The average cost of general street maintenance is \$5,912 per

mile of street per year, so the annexation will cost the City approximately \$7,390 per year in street maintenance costs. The source of funding for street maintenance is the Street Department's budget which is composed of funds from the Motor Vehicle Highway (MVH) Program. The Street Engineering Department funds come from the Motor Vehicle Highway, Federal Aid Urban (FAU) and Local Arterial Roads and Streets (LARS) Programs.

Besides the maintenance service just discussed, the Street Department will improve streets upon receipt of a petition from the property owners. Arterial and often collector streets can be improved with funding from accounts such as FAU and LARS. The cost to improve other residential streets will be split between the property owners petitioning for the improvements and the City. The City's share will come from Motor Vehicle Highway funds. All petitions from the annexation area will be treated equally with other petitions in the City and honored according to the same criteria such as filing date and amount of money available in any particular year. If annexed, the residents will be able to use Barrett Bonding as a capital source to finance their share of the street project.

CAPITAL COSTS: \$23,000

ESTIMATED ANNUAL COST: \$ 7,390

G. PARKS AND RECREATION

Residents of the annexation area will have access to city park facilities such as swimming pools, baseball diamonds, picnic facilities, golf courses, indoor and outdoor skating facilities, etc. No new park facilities will need to be developed for the Bueter Road East Annexation area.

CAPITAL COST: \$0

ESTIMATED ANNUAL COST: \$0

H. WATER

Water service is already provided to the proposed annexation area. The City will provide engineering services as needed to this area upon annexation.

CAPITAL COST: \$0

ESTIMATED ANNUAL COST: \$0

I. FIRE HYDRANTS

The City of Fort Wayne pays the Fort Wayne Water Utility \$221.26 annually for each fire hydrant located within the City. There are 8 fire hydrants in the annexation area. Therefore, the City will pay the water utility \$1,770 per year, with funding supplied from the General Fund.

CAPITAL COST: \$ 0

ESTIMATED ANNUAL COST: \$1,770

J. SANITARY SEWERS

The Fort Wayne Department of Water Pollution Control (WPC) presently provides sanitary sewers to a portion of this annexation area. The City will provide engineering services as needed to this area upon annexation.

CAPITAL COST: \$0

ESTIMATED ANNUAL COST: \$0

K. STORM SEWERS

Upon annexation the Department of Water Pollution Control will not consider capital improvements for storm sewers unless petitioned by the property owners of the annexation area. It is the City's policy that the financing of storm sewers be the responsibility of property owners.

ESTIMATED ANNUAL COST: \$0

L. STREET LIGHTING

It is the goal of the City of Fort Wayne Street Lighting Department to light every unlit intersection within the City limits, to reduce night accidents, facilitate traffic flow, aid in police protection and inspire community spirit and growth. Therefore, the City will place a City-standard street light at the one intersection within the Bueter Road East Annexation area that does not have one, within three years of the effective date of annexation. The City will pay the construction costs for the installation of City standard lighting with overhead wiring. This light would cost the City approximately \$375.

City Street Lighting will pay for the energy costs of approximately \$12 per light per year and the maintenance costs on the existing lights of \$50 per year. Therefore, operating costs would amount to \$62 annually.

CAPITAL COST: \$ 375

ESTIMATED ANNUAL COST: \$ 62

M. LIABILITY FOR TOWNSHIP DEBT

State law (36-4-3-10) mandates the apportionment of debt from the township upon annexation. Using the 1990 payable 1991 Adams Township fire debt tax rate of \$.0609, it is estimated that the City will incur an annual liability for the Township's bonded indebtedness of approximately \$1,263.

The liability will be listed as an annual capital expenditure in the Financial Summary and Recommendation of this fiscal plan beginning in the year 2000.

ESTIMATED ANNUAL COST: \$1,263 (Annually until debt retired)

N. ANIMAL CONTROL

The Bueter Road East Annexation area is located within the south district of the Fort Wayne Animal Control Department. Currently, the south district is not yet at capacity. Therefore, costs would be negligible to provide this service to the area,

CAPITAL COST: \$0

ESTIMATED ANNUAL COST: \$0

O. ADMINISTRATIVE SERVICES

All administrative functions of the City will be available to the Bueter Road East Annexation area immediately upon the date of annexation. These services include, but are not limited to, the Law Department, the City Plan Commission, the Mayor's Office, the Board of Works, the Metropolitan Human Relations Department, the City Clerk's Office, the Citizen's Advocate Office, etc. General administration includes all of the regulatory and program functions of the various City departments. When the area is annexed, City

departments will be notified and will expand their jurisdictional areas accordingly.

CAPITAL COST: \$0

ESTIMATED ANNUAL COST: \$0

SECTION FIVE

PLAN FOR HIRING GOVERNMENTAL EMPLOYEES DISPLACED BY ANNEXATION

It is not anticipated that, due to the annexation of the Bueter Road East area, any governmental employees will be eliminated from other governmental agencies. However, if any governmental employee is displaced as a result of this annexation and makes application with the City of Fort Wayne for employment within thirty days after displacement, such employee will be treated as if the employee were a City employee on "lay-off" status for purposes of hiring for any vacant position similar to the government position from which the individual was displaced.

SECTION SIX

FINANCIAL SUMMARY AND RECOMMENDATION

The purpose of this section is to report the revenues and expenditures from the proposed Bueter Road East Annexation. This section will also provide a five-year summary of the expenditures compared with the revenues.

A. REVENUES

Property taxes are the main source of revenue to be received from the Bueter Road East Annexation area. Property taxes are computed from the gross amount of assessed valuation in the area and can be obtained from the Office of the Adams Township Assessor. The formula for computing tax revenue is shown in the following table:

TABLE 1
TAX REVENUE FORMULA

$$\frac{V-E}{100} (T) = TR$$

WHERE: V = Assessed Valuation
E = Home Mortgage Exemption
T = Tax Rate Difference
TR = Tax Return

The current land, improvement, and personal property assessed valuations were used to project the total assessment of the annexation area. In addition, the assessed values of improvements that have been made since March of 1991 as well as the assessed values of proposed improvements to be made in the annexation area have been used to derive the total assessed value of the area. The projected total assessed valuation of the Bueter Road East Annexation area calculates to be \$2,074,555. The home mortgage exemption is deducted from this total. It is anticipated that there will be five residential structures within this annexation area by the effective date of annexation and that each one is eligible for the \$1,000 exemption mentioned above. The total taxable assessed value of the annexation area becomes \$2,069,555 in 1992. Property tax revenue for 1992 can then be determined by applying the Fort Wayne/Adams Township municipal tax rate to this figure giving a total property tax revenue of \$67,329 (Table 2 details the components of this Tax Rate). Using a three percent annual rate of inflation the property tax revenue for 2001, the first year taxes would be due after annexation, would be \$87,849. (A portion of this revenue would be supplied from the State Property Tax Relief Fund).

This annexation will also enable the City to receive

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This annexation will also enable the City to receive

additional money from the Motor Vehicle Highway (MVH) and from the Local Arterial Roads and Streets (LARS) Funds. These funds are allocated based on street miles. In 1989, the City received \$5,070 per street mile from the Motor Vehicle Highway (MVH) Fund and \$2,433 from the Local Arterial Roads and Streets (LARS) Fund. The annexation area will add 1.25 miles to the City's street system. Therefore, the City will receive an additional \$6,338 from Motor Vehicle Highway (MVH) and an additional \$3,041 from Local Arterial Roads and Streets (LARS) because of the Bueter Road East Annexation. These funds will be received annually beginning one year after the effective date of annexation.

TABLE 2
TAXING DISTRICT RATE

Corporation General	\$1.4877
Corporation Debt Service	.3286
Firemen Pension	.1400
Policemen Pension	.2247
Fire	.6960
Parks	.3532
Redevelopment General	.0090
Sanitary Officers Pension	\$.0141

\$3.2533

In addition to property taxes and highway funds, the City receives revenues from the Community Development Block Grant, the Cigarette Tax, the County Option Income Tax (COIT), and the Alcoholic Beverage Tax. Some of these funds are based in part on the City's population and some are based on the tax levy. Since population is only one element of a very complex distribution formula, the direct contribution of the Bueter Road East Annexation cannot be calculated. Still, most of these funds will increase with city population increases.

B. EXPENDITURES

Expenditures which were reported in the section on Municipal Services are summarized in Table 3. Capital costs are one time expenditures, while, operating costs are continuing expenses. Since the needs of the annexation area must be treated equally with the needs of other similar areas in Fort Wayne, all capital improvement projects must follow routine city procedures which often require petitioning.

Table 3, on the following page, details the costs that will be incurred by each department upon the annexation of the Bueter Road East area.

TABLE 3
EXPENDITURES

<u>DEPARTMENTS</u>	<u>CAPITAL COSTS</u>	<u>OPERATING COSTS</u>
Police Department	\$ 1,615	\$ 0
Fire Department	0	15,750
EMS	0	0
Solid Waste Disposal	0	276
Traffic Control		348
Streets	23,000	7,390
Parks	0	0
Water	0	0
Fire Hydrants	0	1,770
Sanitary Sewer	0	0
Storm Sewer	0	0
Street Lighting	375	62
Liability For Township Debt (Annually)	1,263	0
Animal Control	0	0
Administrative Functions	0	0
	<hr/>	<hr/>
TOTALS	\$ 25,453	\$ 25,596

C. FIVE YEAR SUMMARY

The Five Year Summary shows the projected expenditures compared with the tax revenues expected in the Bueter Road East Annexation area for the first five years after it is incorporated into the City of Fort Wayne.

The summary automatically includes for each of the five years a 4 percent inflation factor for municipal expenditures and a 3 percent rate of inflation for municipal revenues.

Property tax revenue from the annexation area will not be collected until 2001. Assuming the area is annexed in December of 1999, assessment will not occur until March of 2000, with revenues being collected in 2001. Since revenues are not collected for one year after the effective date of annexation, the City will experience a loss of \$38,448 in 2000.

Table 4, on the following page, details the revenues minus the expenses for the Bueter Road East Annexation area during the first five years after the effective date of annexation.

TABLE 4
FIVE YEAR SUMMARY

	EXPENDITURES	PROPERTY TAX REVENUE	MVH & LARS	BALANCE
2000	\$ 38,448			\$ - 38,448
2001	70,341	\$ 87,849	\$ 9,379	+26,887
2002	39,707	90,484	9,379	+60,156
2003	40,666	93,199	9,379	+61,912
2004	42,243	95,995	9,379	+63,131
	<hr/>	<hr/>	<hr/>	<hr/>
TOTALS	\$ 231,405	\$ 367,527	\$ 37,516	\$ +173,638

D. RECOMMENDATION

This Fiscal Plan, which meets the state law requirements that a fiscal plan be prepared, shows that the Bueter Road East Voluntary Annexation is in accordance with the applicable state statutes. Therefore, it is recommended that after the passage of the annexation ordinance and its approval by the Mayor, this area should be annexed by the City of Fort Wayne on December 31, 1999.

LEGAL DESCRIPTION

Parts of Sections 16, 17, 20, 21, and 22 all in Township 30 North, Range 13 East (Adams Township), Allen County, Indiana more particularly described as follows:

Beginning on the present corporation limits of the City of Fort Wayne at the intersection of the North right-of-way line of Sherwood Terrace as recorded in the Plat of Fairfax Second Addition with the West right-of-way line of Bueter Road as recorded in said Plat; thence Northerly along the West right-of-way line of said Bueter Road and present corporation limits of the City of Fort Wayne to the North right-of-way line of Hoevel Road (also known as McKinnie Avenue); thence continuing Northerly along the West right-of-way line of Bueter Road extended North and Bueter Drive being the present corporation limits of the City of Fort Wayne to the North right-of-way line of Moeller Road; thence Easterly along said North right-of-way line of Moeller Road and present corporation limits of the City of Fort Wayne to the West line of the Northeast Quarter of said Section 17; thence Northerly along the West line of said Northeast Quarter and present corporation limits of the City of Fort Wayne to the Southerly right-of-way line of Conrail; thence Southeasterly along said Southerly Conrail right-of-way line to the Northeast corner of an existing 1.60 acre tract recorded as Document No. 81-017695 in the Office of the Recorder of Allen County, Indiana; thence Southeasterly to a point on the West line of the Southwest Quarter of said Section 16 said point being 200.00 feet North of the Southwest corner of said Southwest Quarter; thence Easterly, a distance of 1550.00 feet parallel with the South line of said Southwest Quarter; thence Southerly, a distance of 200.00 feet to the South line of said Southwest Quarter; thence Southeasterly to the intersection of the South right-of-way line of Conrail with the West line of the Northwest Quarter of said Section 22; thence Southeasterly along said Southerly Conrail right-of-way line to the point of curvature of a curve to the right; thence continuing Southeasterly along said curve and Southerly right-of-way line to the West line of an existing 5.32 acre tract recorded as Document No. 85-31082 in the Office of the Recorder of Allen County, Indiana; thence Southwesterly to a point on the North right-of-way line of Paulding Road said point being 1,317.3 feet East of the West line of the Southwest Quarter of said Section 22; thence Westerly along said North right-of-way line of Paulding Road to its point of intersection with the West right-of-way line of Adams Center Road; thence Northwesterly to the intersection of the North right-of-way line of Hoevel Road with the Northerly extension of the East line of the West half of the Northwest Quarter of said Section 21; thence Westerly along said North right-of-way line of Hoevel Road to its point of intersection with the East line of the Southeast Quarter of said Section 17; thence Southwesterly to a point on the North right-of-way line of Sherwood Terrace as recorded in the Plat of Fairfax Addition, said point being 200.00 feet East of the West line of said Northeast Quarter; thence Westerly along said North right-of-way line to the Point Of Beginning.

EXHIBIT A

